

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
DISTRICT OF JONES COUNTY, MISSISSIPPI

CHRIS McDANIEL

PLAINTIFF

v.

Cause No. 2014-76-CV08

THAD COCHRAN

DEFENDANT

MOTION FOR ADDITIONAL TIME TO FILE REBUTTAL BRIEF

COMES NOW, Chris McDaniel and files this his Motion For Additional Time to File his Rebuttal Brief and for cause would show the following to wit:

1. Undersigned counsel, Mitchell H. Tyner, Sr., attempted to repeatedly download the reply brief filed by Cochran on September 24, 2014, from the Supreme Courts electronic filing system but was unable to do so.
2. Steve Thornton, co-counsel for Chris McDaniel, also repeatedly attempted to download the reply brief of Cochran from the Supreme Courts electronic filing system without success.
3. At approximately 8:00 a.m., Steve Thornton contacted the clerk's office to determine whether or not we could obtain a copy of the reply brief filed by the attorneys for Cochran. After being placed on hold for a few minutes, the clerk came back on the phone and stated that she was unable to access the reply brief filed by Cochran.
4. As of 10:00 a.m. on the day after the reply brief for Cochran was due, counsel for McDaniel still cannot access the reply brief from the Supreme Court's electronic filing system.
5. Neither counsel for McDaniel was provided a copy of the reply brief from the attorneys for Cochran.

Wherefore premises is considered, undersigned counsel requests this Court enter an Order allowing them 2 days to file their rebuttal brief beginning at the time they are provided a copy of the reply brief filed by Cochran. Presuming counsel will provide a copy of said brief today (9/25/2014), counsel for McDaniel will request one (1) additional day be added to their time to reply to Cochran brief, making it due on September 27, 2014.

Respectfully submitted,

Chris McDaniel

By: /s/ Mitchell H. Tyner, Sr.
Mitchell H. Tyner, Sr. (MSB #8169)
Tyner Law Firm P.A.
5750 I-55 North
Jackson, Mississippi 39211
Telephone: (601) 957-1113
Email: mtyner@tynerlawfirm.com
ATTORNEY FOR CHRIS McDANIEL

CERTIFICATE OF SERVICE

I, Mitchell H. Tyner, Sr., attorney for the appellant, Chris McDaniel, certify that I have this day served a copy of this *Motion for Additional Time to File Rebuttal Brief* by email to the following:

Phil B. Abernethy, Esq.
Mark W. Garriga, Esq.
BUTLER SNOW LLP
Post Office Box 6010
Ridgeland, Mississippi 39158-6010
ATTORNEYS FOR APPELLEE THAD COCHRAN

Thomas A. McKnight, Jr.
Wallace, Jordan, Ratliff & Brandt, LLC
800 Shades Creek Parkway
Suite 400
Birmingham, Alabama 35209
tmcknight@wallacejordan.com

This the 25th day of September, 2014.

/s/ Mitchell H. Tyner, Sr.
Mitchell H. Tyner, Sr.